

Hearing Date & Time: December 9, 2021 at 2:00 p.m.

Objection Deadline: November 26, 2021

Reply Deadline: December 2, 2021

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re ORLY GENDER,
Debtor.

Chapter 7

Case No. 19-13895 (JLG)

DEBORAH J. PIAZZA, as Successor
CHAPTER 7 TRUSTEE, of the Bankruptcy
Estate of Orly Genger,

Plaintiff,

v.

Adv. Pro. No. 21-01180 (JLG)

MICHAEL OLDNER, THE ORLY GENDER
1993 TRUST, RECOVERY EFFORT INC.,
SAGI GENDER, THE SAGI GENDER 1993
TRUST, DALIA GENDER, ELANA
GENGER, DAVID PARNES, D&K GP LLC,
TPR INVESTMENT ASSOCIATES, INC.,
MANHATTAN SAFETY MAINE, INC. and
JOHN AND JANE DOES 1-100,

Defendants.

**NOTICE OF MOTION TO DISMISS OR,
IN THE ALTERNATIVE, TO STAY PROCEEDINGS**

PLEASE TAKE NOTICE that on December 9, 2021 at 2:00 pm, The Orly Genger 1993 Trust, by its trustee Michael Oldner, Recovery Effort, Inc., and Manhattan Safety Maine, Inc. (together, “Movants”), by and through the undersigned counsel, will move (the “Motion”) before the Honorable Judge James L. Garrity Jr., United States Bankruptcy Judge, in the United States Bankruptcy Court for the Southern District of New York, Courtroom 601, One Bowling Green, New York, New York 10004 or as soon

thereafter as counsel can be heard, for entry of an order dismissing the complaint in the above-captioned adversary proceeding pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable pursuant to Bankruptcy Rule 7012. In the alternative, Movants will move for an order staying the above-captioned adversary proceeding until the Court has ruled on the pending motion to approve settlement in the associated bankruptcy case under Bankruptcy Rule 9019.

PLEASE TAKE FURTHER NOTICE that a copy of the Motion is available for inspection during normal business hours at the office of the Clerk of the United States Bankruptcy Court for the Southern District of New York located at One Bowling Green, New York, New York 10004, or may be obtained by contacting the undersigned counsel.

PLEASE TAKE FURTHER NOTICE that responses and objections, if any, to the Motion and the proposed order must be made in writing, conformed to the Bankruptcy Rules and the Local Bankruptcy Rules for the Bankruptcy Court and be filed with the Bankruptcy Court electronically in accordance with General Order M-399 (a copy of which can be found at www.nysb.uscourts.gov, the official website for the United States Bankruptcy Court for the Southern District of New York), by registered users of the Bankruptcy Court's case filing system and, by all other parties in interest, in Portable Document Format (PDF), Microsoft Word, or any other word processing format (with a hard copy delivered directly to Chambers) and shall be served upon: (i) counsel to Movants, Pollock Cohen LLP, 60 Broad Street, 24th Floor, New York, New York 10004; (ii) Deborah J. Piazza, Chapter 7 Trustee, Attn: Rocco A. Cavaliere, Esq., Tarter Krinsky & Drogin LLP, 1350 Broadway, 11th Floor, New York, New York 10018; and (iii) all parties who have filed a notice of appearance and request for service of

documents, so as to be actually received by no later than November 26, 2021 (the
“Objection Deadline”).

Dated: October 22, 2021
New York, NY

POLLOCK COHEN LLP

By: /s/ Max Rodriguez
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*Attorneys for the Orly Genger 1993 Trust,
by its Trustee Michael Oldner;
Recover Effort Inc.; and
Manhattan Safety Maine, Inc.*